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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED 2008 MAR 11 AM 10: 16

UNITED STATES OF AMERICA,	)	Magistrate Case No.
	)	'08 MJ 0764
Plaintiff,	)	COMPLAINT FOR VIOLATION OF:
v.	)	
	)	Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
Cesar GONZALEZ-Lopez,	)	Transportation of Illegal
	)	Aliens
	)	
Defendant(s)	)	

The undersigned complainant, being duly sworn, states:

On or about **March 9, 2008,** within the Southern District of California, defendant **Cesar GONZALEZ-Lopez** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Roberto GARCIA-Hernandez, Yesenia PEREZ-Bucio and Juan MORENO-Sanchez,** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **11th** DAY OF **MARCH 2008**

Louisa S. Porter
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Cesar GONZALEZ-Lopez

PROBABLE CAUSE STATEMENT

The complainant states that **Roberto GARCIA-Hernandez, Yesenia PEREZ-Bucio and Juan MORENO-Sanchez,,** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On March 9, 2008 at approximately 4:40 p.m., Border Patrol Agent F. Espinosa was operating the San Clemente Border Patrol Checkpoint Camera System. While monitoring Interstate 5, Agent Espinosa observed a white Chevrolet truck driving rapidly in reverse, southbound, away from the immigration checkpoint on the shoulder of the northbound lanes. Agent Espinosa observed northbound vehicles swerving out of the way in order to avoid a collision with the suspect vehicle, which was drifting into lane four of the highway while attempting to drive backwards on the shoulder. Agent Espinosa advised agents in the field of his observations. Border Patrol Agents M. Torres and R. Alderman responded to the scene and found the truck traveling backwards at approximately thirty miles per hour one mile south of the checkpoint. As Agents Torres and Alderman approached the vehicle from behind in a marked Border Patrol sedan, the driver, later identified as defendant **Cesar GONZALEZ-Lopez**, quickly put the vehicle in drive and proceeded northbound on the shoulder. Agent M. Torres activated her vehicle's emergency equipment and stopped the vehicle approximately three quarters of a mile south of the checkpoint. Agents Torres and Alderman approached the suspect vehicle and identified themselves as U.S. Border Patrol Agents. Agents Torres and Alderman discovered five individuals inside the vehicle, three of which were lying down in the back of the truck's cab. After questioning all five individuals, all subjects admitted to being undocumented citizens of Mexico, illegally present in the United States. At 4:45 p.m., all subjects including the defendant were placed under arrest and transported to the San Clemente Border Patrol Station for processing.

DEFENDANT STATEMENT:

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant admitted to making arrangements with an anonymous smuggler in Tijuana, Baja California, Mexico to be smuggled into the United States for a fee of $900.00 (US). The defendant claimed that he was headed to Los Angeles, California to see his children and then to Nevada to find work. The defendant stated that he knew the passengers in the vehicle were in the United States illegally. The defendant admits to being previously arrested for alien smuggling.

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Roberto GARCIA-Hernandez, Yesenia PEREZ-Bucio and Juan MORENO-Sanchez,** agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They admitted to entering the United States illegally by climbing over the international border fence and walking north through the hills. GARCIA stated that he was to pay $2,500.00 (US) to be smuggled into the United States. **GARCIA** and **MORENO** also stated that he feared for his safety when the truck was traveling in reverse and changing directions. Material witness' **PEREZ** and **MORENO** stated that the defendant knew that the passengers in the truck he was driving were illegally present in the United States.